

Appln. Serial No. 09/613,323
Reply to Final Office Action mailed on August 11, 2005

REMARKS

Claims 1-30 are pending in the application, with claims 1, 6, 11, 16, 22 and 28 being the independent claims. Claims 1, 5, 6, 10, 11, 16, 21, 22, 27, and 28 are sought to be amended. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicant has made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above Amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Rejections under 35 U.S.C. § 103(a)

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over US Patent Application No. 2001/0003828 A1 (hereinafter referred to as "Peterson") in further view of US Patent Application No. 2003/0005463 A1 (hereinafter referred to as "Macrae"). Applicant respectfully traverses these rejections with regard to claims 1-15 since Peterson and Macrae, either taken alone or in combination, do not appear to teach or suggest each element of amended independent claims 1, 6 and 11 for at least the following reason.

Independent claims 1, 6 and 11 have been amended to include a similar feature of receiving information from said plurality of receivers about the frequency with which said content is accessed; and adjusting said content transmitted to said plurality of receivers based

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on said accessed information. Peterson and Macrae, either taken alone or in combination, do not appear to teach or suggest this feature. Therefore, for at least this reason, independent claims 1, 6 and 11 (and their dependent claims 2-5, 7-10 and 12-15) are patentable over Peterson and Macrae, taken alone or in combination. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) to claims 1-15 be reconsidered and withdrawn.

Claims 16-30 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over US Patent Application No. 2003/0206554 A1 (hereinafter referred to as "Dillon"). The Examiner gives Official Notice that it is well known in the art to parse/separately store indexing information for the purpose of providing a comprehensive index such as EPG program information received with broadcasted programming for the purpose of facilitating the selection of content and alleviate the receiver processor load of creating an index. Applicant respectfully traverses these rejections with regard to claims 16-30 since Dillon and the Official Notice, taken alone or in combination, do not appear to teach or suggest each element of amended independent claims 16, 22 and 28 for at least the following reason.

Independent claims 16, 22 and 28 have been amended to include a similar feature of accumulating information about said content that is accessed by a receiver; and periodically forwarding said information to said server. Dillon and the Official Notice, taken alone or in combination, do not appear to teach or suggest this feature. Therefore, for at least this reason, independent claims 16, 22 and 28 (and their dependent claims 17-21, 23-27, 29 and 30) are patentable over Dillon and the Official Notice, taken alone or in combination. Accordingly,

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Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) to claims 16-30 be reconsidered and withdrawn.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-3311 if there remains any issue with allowance of the case.

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CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicant believes that a full and complete response has been made to the outstanding Office Action. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and allowance of this application.

Respectfully submitted,

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Dated: October 20, 2005

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